

¹ Plaintiff incorrectly spelled Secretary Eric Shinseki's name in the complaint as "Shinskei." (Docket Entry No. 1). Both parties have continued to use the incorrect spelling in their filings. The Court will use the correct spelling: "Shinseki."

For a contract claim against the federal government over \$10,000 the Court of Federal Claims has exclusive jurisdiction. Matthews v. United States, 810 F.2d 109, 111 (6th Cir.1987); 28 U.S.C.A. §1346(a)(2); 28 U.S.C. §1491.


This Circuit has held that the Declaratory Judgment Act is not a sufficient basis to provide independent jurisdiction over a claim. Michigan S. R.R. v. Branch & St. Joseph Counties Rail Users Ass'n, 287 F.3d 568, 575 (6th Cir. 2002) (“It is well-settled that the Declaratory Judgment Act cannot serve as an independent basis for federal subject matter jurisdiction.”).

Given the Court’s lack of jurisdiction, the Defendant’s motion to dismiss (Docket Entry No. 12) is **GRANTED**. To avoid the unnecessary costs of refileing her complaint, Plaintiff’s motion to transfer is **GRANTED**. 28 U.S.C. §1631. The Clerk shall transfer the file on this action to the Federal Claims Court.

This is the final order in this action.

It is so **ORDERED**.

Entered this the 4th day of November, 2010.


WILLIAM J. HAYNES, Jr.
United States District Judge